



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

ELP  
Docket No. 5556-00  
22 January 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 28 June 1999 for four years at age 18. The record reflects that on 22 July 1999 you were interviewed at a mental health unit. You reported that you had been depressed every day since you were raped as a child by a female cousin, and also because of your homosexual orientation. You also disclosed suicidal ideation at age 11, overdosing on pills at age 13, and thoughts about cutting your wrists or hanging yourself several times afterwards. You were in counseling for about a year at age 17 with your pastor. The psychologist at the mental health unit diagnosed you with a depressive disorder, not otherwise specified, and recommended an entry level separation.

On 26 July 1999 you were notified that administrative separation processing was being initiated by reason of convenience of the government as evidenced by the diagnosed depressive disorder. You were advised of your procedural rights, declined to consult with legal counsel or submit a statement in your own behalf, and waived the right to have your case reviewed by the general court-martial convening authority. On 30 July 1999 you received an

uncharacterized entry level separation by reason of erroneous enlistment and were assigned an RE-4 reenlistment code.

Regulations authorized the assignment of an RE-4 reenlistment code to an individual who is discharged by reason of erroneous enlistment. The Board noted your desire for a personal appearance hearing and statement to the effect that while in recruit training your "Godmother" had a heart attack and died. You claim that when you received no response from your inquiries, you went to see a Navy doctor and "filled her head with stories about an abused childhood and suicide attempts" in order to be discharged. You now assert that these statements were untrue. The Board is not sympathetic to individuals who obtain discharges through fraudulent means. Further, the Board has no way of determining what your true statement is, the one you are making now, or the statement you made to extricate yourself from your enlistment. It is well established in law that an individual who perpetrates fraud in order to be discharged should not benefit from the fraud when it is later discovered. The Navy views suicidal ideation with concern, whether it is manipulative or in earnest. Individuals who disclose suicidal ideation must be considered potential risks for harm to themselves or others if retained. The Board concluded that in such cases assignment of an RE-4 reenlistment code is proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

You are advised that personal appearance hearings are rarely granted by the Board and only when, in executive session, it determines it cannot resolve an issue without the individual's presence, or the individual's appearance would serve some useful purpose. Your presence was not required for the Board to make a decision.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director